



Historical Architectural Review Board November 6, 2014

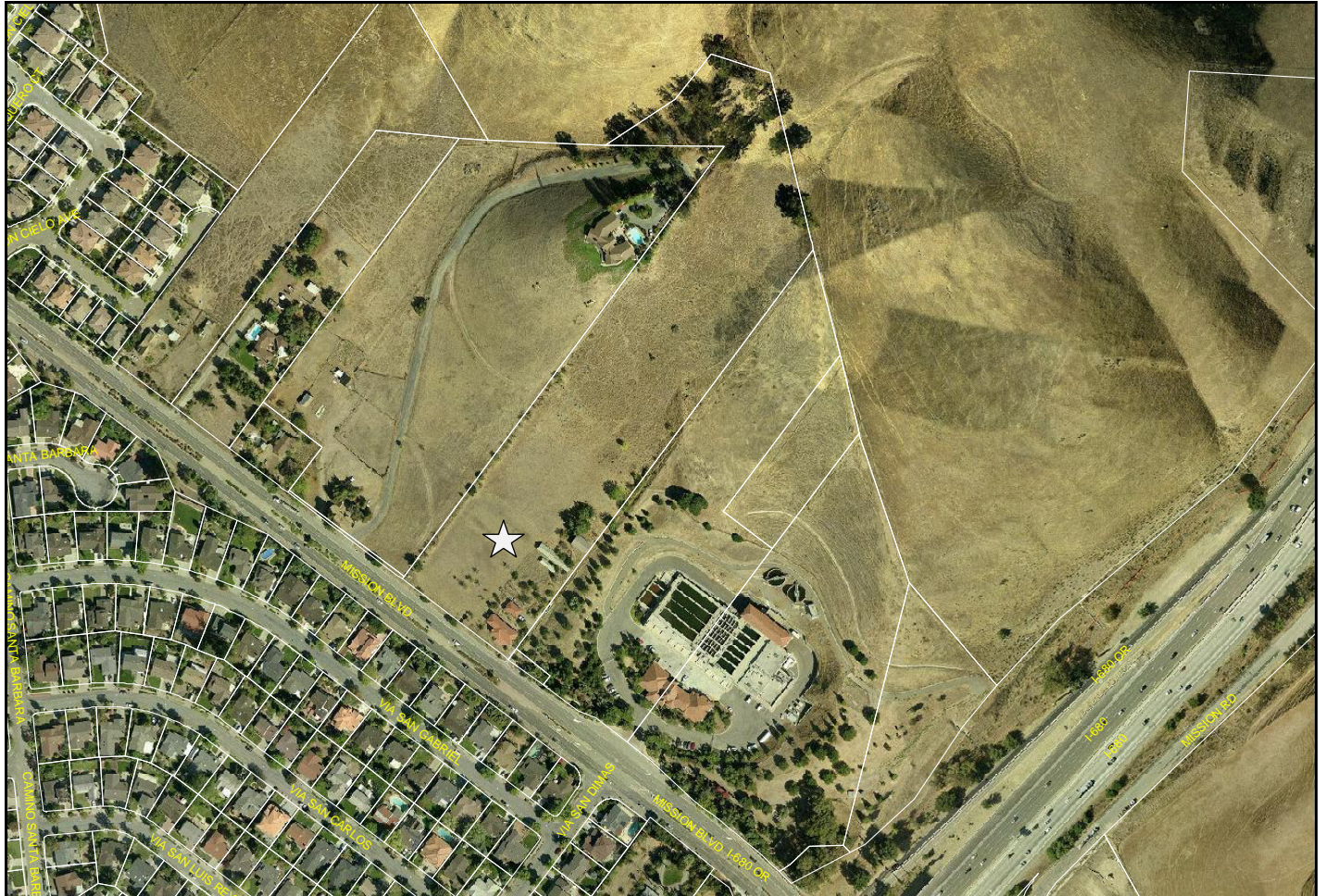
Proposal:	DIAS RESIDENTIAL – 42232 Mission Boulevard - (PLN2014-00195) - To consider Historical Architectural Review associated with applications for a Preliminary and Precise Planned District, Tentative Tract Map, and a Public Street for the construction of a 20-unit single-family residential development and the preservation of an existing potential register resource as part of the development; and to consider a Mitigated Negative Declaration that has been prepared and circulated for this project in accordance with the requirements of the California Environmental Quality Act (CEQA).
Recommendation:	Recommend approval of the project to the Planning Commission and City Council based on findings and subject to conditions of approval.
Location:	42232 Mission Boulevard, Mission San Jose Community Plan Area APN: 513-0450-006-02
Area:	10.3-acre site
People:	Edward Dias, Property Owner Robson Homes, Applicant Bill Roth, Staff Planner (510) 494-4450; broth@fremont.gov
General Plan:	Low Density Residential (2.3-8.7 units per acre); and Open Space – Hill Face
Zoning:	Open Space

EXECUTIVE SUMMARY:

The applicant proposes to develop 20 new detached single-family residences on a site containing a potential register resource, known as the Dias House, located at 42232 Mission Boulevard. The proposed project would include the subdivision of the existing lot into 21 separate residential lots, including an approximately 11,000 square foot lot for the Dias House, which will remain at its current location. New subdivision improvements would be constructed adjacent to the Dias House including a single-family house located approximately 28 feet to the northwest and a biological stormwater retention area located approximately 26 feet to the north. A new public street would be built to serve the rest of the proposed development, while the Dias House would retain its existing driveway on Mission Boulevard.

Pursuant to Fremont Municipal Code Section 18.175.040(d), Historical Architectural Review Board (HARB) approval is required for new projects pertaining to a potential register resource. A historic resource evaluation was prepared for the proposed project and concluded that the proposed project would not impact the historic setting of the house by introducing new residential structures and physical improvements within the undeveloped land that has historically surrounded the house. The proposed project is in conformance with the General Plan land use designations for the site and with General Plan goals related to historic preservation. Staff recommends that the HARB recommend approval of the project to the Planning Commission and City Council, finding that the proposed improvements adjacent to the Dias House are consistent with the Secretary of the Interior's Standards and the applicable standards and guidelines governing historic preservation adopted by the City Council.

Figure 1: Aerial Photo (2009) of Project Site and Surrounding Area.



SURROUNDING LAND USES:

- Northwest: Two Single-Family Houses on an 11.85-acre lot [O-S and R-1-6(H-I) Zoning Districts]
Northeast: One Single-Family House on an 116.5-acre lot [O-S Zoning District]
Southeast: ACWD Mission San Jose Water Treatment Plant [P-F(H-I) Zoning Districts]
Southwest: Mission Boulevard
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BACKGROUND AND PREVIOUS ACTIONS:

Historic Status

The Dias House is a blend of Moderne and Ranch styles built of white brick masonry (pumice block) walls on a concrete slab foundation circa 1949-1951, which has been identified as a potential register resource, based on its architecture and design, in a State of California Department of Parks and Recreation Primary Record (DPR) conducted by architectural historian, William Kostura, in February 2013 (see Informational Item #2). A separate Historic Resource Evaluation (HRE) conducted by Architectural Resources Group, Inc. (ARG), dated May 29, 2014, confirms the conclusions in the DPR, finding that the Dias House retains a high degree of integrity and appears architecturally significant at the local level as a well-designed and highly intact example of a post-war residence blending Ranch and Moderne stylistic elements (see Informational Item #3). In addition to the masonry walls, notable features of the Dias House include rounded wall edges, industrial steel sash windows, angular interlocking clay roof tiles, and the use of red brick trim at the windows, entrance, and patio wall. Both the DPR and the HRE found that none of the other buildings or structures on the site, which include a garage, two storage sheds, chicken pens and hutch, horse barn, and windmill, appeared to possess sufficient significance or integrity to be eligible for listing on the local, state, or national registers. In addition, the reports found that the site as a whole does not retain integrity from any defined period of significance and does not retain integrity as a pre-WWII farm complex.

Evolution of Plan Development

Although the original project design included the removal of the Dias House, following the completion of the DPR and HRE, the proposed project was revised to include the preservation of the Dias House in its current location. During several iterations of project review, staff and the applicant worked to ensure the proposed project design preserves the character and integrity of the Dias House. It should be noted that future rehabilitation of the Dias House may be proposed to facilitate the continued use of the Dias House as a single-family residence. Any proposed changes to the exterior of the Dias House would be required to conform to the Secretary of Interior's Standards for Rehabilitation and would require development of a detailed Rehabilitation/Restoration Plan that would be brought to HARB for review, in conformance with FMC 18.175.070.

PROCEDURE FOR TONIGHT'S HEARING

At tonight's hearing, HARB is acting in an advisory role for consideration of alterations to the site and surrounding context of a potential register resource, the Dias House. HARB's recommendation will be forwarded to the Planning Commission and, ultimately, to the City Council, which will be the approving body. Specifically, HARB is charged with making the following recommendations to the Planning Commission and City Council:

1. Review and consider recommendation to approve alterations to the site and context of a Potential Fremont Register Resource per Fremont Municipal Code (FMC) Section 18.175.220 for consistency with the Secretary of the Interior's Standards and the applicable standards and guidelines adopted by the City Council.
2. Review and consider a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan (Exhibit "A"), prepared and circulated in accordance with the requirements of the California Environmental Quality Act (CEQA).

PROJECT DESCRIPTION:

HARB is asked to consider the proposed alterations to the site of and context of a potential register resource, the Dias House, and its surroundings, as part of a 20-unit detached, single-family residential development, and forward a recommendation to the approving body. The City Council is the approving body and will consider the recommendations of HARB and the Planning Commission before making a final decision on the project, which, in addition to the proposed alterations to the Dias property, include the following entitlements:

1. Rezoning of the 4.5 acres of the 10.3 acre lot that is located below the Toe of the Hill to a Preliminary and Precise Planned District to allow the development of 20 single-family homes on separate lots and retention of the Dias House in its current location on a separate single-family lot;
2. Tentative Tract Map No. 8189 to allow the proposed subdivision to create 21 residential lots and two common-use parcels; and
3. Construction of a Public Street to provide local residential access to the individual garages of each of the 20 new single-family houses.

The Dias House is currently the only residence on the 10.3-acre lot. As part of the proposed project, the 10.3-acre lot would be subdivided to create separate lots for each of the twenty proposed single-family houses and the Dias House. Lots would also be created for a bio-retention basin (Lot A), a landscaped area adjacent to a proposed public street and the Mission Boulevard frontage (Lot B), and a lot above the Toe of the Hill, which would be placed in an open space easement and deeded to the adjacent Hobbs property (Lot C). As a result of the proposed subdivision, the lot on which the Dias House is located would be reduced to approximately 11,000 square feet (approximately $\frac{1}{4}$ acre). The proposed subdivision would be accessed via a new public street, which would connect to Mission Boulevard approximately 160 feet to the northwest of the Dias House. The Dias House, which would continue to be used as a single-family residence, would retain its existing driveway on Mission Boulevard.

The proposed project would include development of 20 single-family detached homes on separate lots ranging in size from approximately 4,500 square feet along Mission Boulevard up to approximately 34,000 square feet for the lots at the rear of the proposed project site. The proposed project would implement the majority of development standards that would be required of a project in the R-1-6 Single-Family Residence District; however, because three of the new lots proposed along Mission Boulevard (see Lots 1, 2, 3 in Exhibit C) would be smaller and have reduced front and rear setbacks, a Planned District zoning would be necessary to allow the proposed project. The Dias House, which would remain at its present location on an approximately 11,000-square-foot lot, would be separated from the adjacent lots by more than 20 feet on both sides and 60 feet at rear.

The proposed single-family homes would be limited to two stories in height and would be based on one of the following architectural styles: Spanish Colonial, Adobe Ranch, or Italian (see Informational Items #5 and #6). The proposed building materials include tile roofs, stucco walls, and architectural detailing including wrought iron railings and exposed wood beams. The proposed house designs would be similar in height, mass, and architectural style to many of the single family developments along the segment of Mission Boulevard between Palm Avenue and Via San Dimas. The project would include landscaping and design elements consistent with City standards and design guidelines intended to preserve the aesthetic quality of the surrounding area, including Mission Boulevard. As such, the project would not introduce a type of development that is incompatible with other developments in the neighborhood or with the Dias House.

Development of the property is limited by two voter-approved initiatives: 1) the Hillside Initiative of 1981 (Measure A), which places restrictions on development in the hillside areas east of Mission Boulevard, and 2) the Hill Area Initiative of 2002 (Measure T), which places restrictions on development above the Toe of the Hill (TOH). The TOH is a virtual line drawn along the base of the hills along which the natural grade first becomes 20 percent or more, as defined by slope analysis, on the western side of the hill area from the Fremont – Union City municipal boundary to the Alameda County – Santa Clara County boundary, and on both sides of Niles Canyon and Interstate 680 east of Mission Boulevard to the Fremont city limits. The TOH intersects the project site, such that approximately 4.5 acres in the southern portion of the proposed project site (nearest Mission Boulevard) are below the TOH and approximately 5.8 acres in the northeast are above the TOH. The proposed project, which is designed to comply with both Measures A and T, would limit improvements to an approximately 4.5-net-acre area in the southern portion of the 10.3-acre lot.

PROJECT ANALYSIS:

General Plan Conformance

The General Plan land use designation for the proposed project site is Low Density Residential (2.3 - 8.7 units per net acre) below the Toe of the Hill and Open Space – Hill Face above the Toe of the Hill. The proposed residential project, at 6.3 dwelling units per net acre and located below the Toe of the Hill, would conform to the applicable General Plan land use designation of Low Density Residential (2.3 – 8.7 units per net acre). The following General Plan Goal and Policies of the Community Character Element pertaining to historic preservation are applicable to the project:

Community Character Goal 4-6: Historic Preservation and Cultural Resources - *Conservation and enhancement of Fremont's historic sites, buildings, structures, objects, and landscapes into the 21st Century and beyond.*

Community Character Policy 4-6.1: Protection of Historic Resources - *Identify, preserve, protect and maintain buildings, structures, objects, sites and districts which are reminders of past eras, events, and persons important in local, state, or national history.*

Analysis: Historic resources enrich a community by providing it with a unique identity and connection to its past. The General Plan goal and policies listed above promote historic preservation on a number of levels, including (as it applies to the proposed project), but not limited to:

- Discouraging demolition of the potential register resource; and
- Requiring development on properties with or adjacent to potential or listed historic structures to be sensitive to historical setting.

The applicant has worked with staff to preserve the Dias House and create a plan that would permit development of the project site in a manner that minimizes impacts to the historical character and integrity of the Dias House and in conformance with the goals and policies listed above. The proposed project would maintain the Dias House in its current location for use as a single-family home.

Pursuant to Fremont Municipal Code (FMC) Section 18.175.190, historical architectural review is required for any proposed alteration to a potential register resource or proposed development of a property that could alter a potential register resource located on that property. A Secretary of the Interior's Standards Compliance Assessment (Standards Compliance Assessment) was conducted to determine if the proposed residential development would conform to the Secretary of the

Interior's Standards for the Treatment of Historic Properties and the Secretary of the Interior's Standards for Rehabilitation (see Informational Item #5 by ARG, dated May 29, 2014). The Standards Compliance Assessment concluded that the proposed project would not impact the historic setting of the house, provided the perimeter fencing for the proposed bio-retention area is located at least 15 feet from the Dias House. This recommendation has been incorporated into the design of the project. The Standards Compliance Assessment concluded that the architectural styles and scale are compatible with the Historic Resource, and the development as proposed would not affect any distinctive spatial relationships that characterize the property and therefore the proposed residential development is in conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

Zoning Compliance:

The subject property is currently zoned Open Space. The applicant is proposing to rezone the property as a Preliminary and Precise Planned District (P-2014-195) for consistency with the low-density residential General Plan designation, and to allow construction of the proposed residential subdivision. Per FMC Section 18.110.020, the standards governing development within a proposed PD shall be based upon the standards of the zoning district most similar in nature and function to the proposed use. In this case, the R-1 Single-Family Residence District provided the basis for the proposed plans put forth by the applicant, as the R-1 zoning district is the standard district in which single-family detached developments would be allowed at the density proposed. Pursuant to FMC Section 18.110.050, Planned District Rezonings are under the purview of the Planning Commission and City Council, with the Commission providing a recommendation to Council. Following is a summary of applicable zoning standards for this project:

- Front setbacks: 20' or greater for the majority of lots, 14' for Lots 1, 2, 3
- Side setbacks: 5' or greater
- Rear setbacks: 25' or greater, 18' for Lots 1, 2, 3
- Building heights below 30'
- Lot sizes ranging from approximately 4,500-square-feet up to approximately 34,000-square-feet.

Design Analysis:

Alterations to potential register resources consider both direct and indirect changes to a property and are reviewed by HARB for consistency with the Secretary of Interior's Standards for Rehabilitation in order to preserve those portions or features that convey its historical, cultural, or architectural values. The Secretary's Standards are to be applied to projects in a reasonable manner by taking into consideration both economic and technical feasibility. A complete analysis of their application to the proposed project is provided below:

Site Planning, Architecture and Setting, based upon the Secretary of Interior's Standards for Rehabilitation:

1. **A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.**

Analysis: The proposed project design retains the historic use of the Dias House as a single-family residence. Although the proposed project would introduce new single-family uses, a public street, and a bioretention area on the Dias property, there would be adequate separation of new uses and structures from the Dias House such that the site would continue to convey the historic single-family use of the Dias House. As noted in informational items 2 and 3, the former agricultural use of the property does not retain sufficient integrity, thus development as a single-family residential subdivision will not impact former use of the property as agriculture.

2. **The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.**

Analysis: The applicant proposes to retain the Dias House and preserve it in place. However, the development plans would reduce the lot size of the property on which the house is located from 10.3 acres to approximately 11,000 square feet (approximately ¼ acre). Though this would change the Dias House's historic spatial relationship to surrounding development, the proposed lot size would serve to retain the single-family character of the lot and still maintains a larger lot size and spatial relationship to surrounding development. The orientation of the house to Mission Boulevard also would remain the same as well as the existing driveway location. The proposed project incorporates the recommendation provided in the Standards Assessment by positioning the proposed 6-foot-high, solid wood fence for the bioretention area 15 feet from the Dias House.

3. **Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.**

Analysis: The proposed single-family homes would all be limited to two stories in height and would be based on one of the following architectural styles: Spanish Colonial, Adobe Ranch, or Italian. The proposed house designs would not include conjectural features or other elements that would create a false sense of historical development. The proposed house designs would be compatible and harmonious with the Register Resource. No conjectural features or other such elements are proposed for the main Dias House.

4. **Changes to a property that have acquired historic significance in their own right will be retained and preserved.**

Analysis: The DPR and HRE prepared for the proposed project identified no non-original features of the Dias House that have acquired significance over time. Furthermore, no changes to the architecture or structural footprint of the Dias House are proposed at this time. As such, the proposed project complies with this standard.

5. **Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.**

Analysis: No removal of distinctive physical materials or finishes on the Dias House is currently proposed. As such, the proposed project complies with this standard. Should a rehabilitation plan for the Dias House be proposed, further review by HARB would be required to assess conformance to this and all of the Secretary of the Interior's Standards for Rehabilitation, as a condition of approval of the proposed project.

6. **Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.**

Analysis: The proposed project does not include rehabilitation of the Dias House and, as such, complies with this standard.

7. **Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.**

Analysis: No chemical or physical treatments of the Dias House are proposed at this time. As such, the proposed project complies with this standard.

8. **Archaeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.**

Analysis: There are no such archeological resources known to exist within or adjacent to the Dias House. However, if any such resources are encountered during construction of the proposed project, the applicable rules governing the protection of such resources prescribed by CEQA and the California Office of Historic Preservation shall apply. These requirements are included as mitigation measures in the Mitigated Negative Declaration and as Conditions of Approval for the proposed project, to ensure archaeological resources, if found, would not be impacted.

9. **New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.**

Analysis: The project has been designed to minimize impacts to the Dias House through the design, siting, and the separation of the proposed houses, public street, and bioretention basin from the Dias House. The distance between the new construction and the historic building, varying setbacks, and design make the new construction sufficiently compatible in size, scale and proportion with the historic property. Furthermore, the proposed architecture of the new houses is based on Spanish Colonial, Adobe Ranch, and Italian architectural styles that are appropriate for the setting and complementary to the Dias House without directly copying the notable features that distinguish the Dias House.

10. **New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.**

Analysis: The project has been designed so as to minimize its impacts on the open space setting and spatial relationships of the Dias House by minimizing the amount of structural encroachments near the house. While the lot would be reduced in size to accommodate the proposed subdivision improvements directly alongside and behind the Dias House, enough open space would be retained around it to ensure that the integrity of its setting would not be significantly affected if the proposed project were ever removed.

Architectural Design

The proposed single-family homes would involve several architectural styles in three distinct house types: Spanish Colonial, Adobe Ranch, or Italian. The proposed building materials, including tile roofs, stucco walls, and with iron and wood details, would be compatible with the Dias House but would not directly copy the notable features of the Dias House, which would continue to distinguish that potential register resource.

Open Space/Landscaping: The proposed subdivision would feature new landscaping along Mission Boulevard and the new public street and would be maintained by a Home Owner's Association (see

Lot B in Exhibit "C"). Street trees would be provided along the proposed public street. The Dias House property would be provided with new, low-profile plantings (as opposed to thick, tall plantings that block views) within the front and left side yards, which would serve to maintain the open space character around the property. The proposed new landscaping would not impact any character defining features of the site.

Tree Preservation, Removal and Mitigation: A tree survey was conducted for the property by Monarch Consulting Arborists, LLC., Certified Arborist Rick Gessner, in December 2013, which identified 107 trees with a six-inch-or-greater diameter at breast height (DBH) on the site. Of these trees, 82 qualify for protection under the City's Tree Preservation Ordinance. The remainder are fruit- or nut-bearing trees of various species that are exempt from the ordinance pursuant to Fremont Municipal Code Section 18.215.050. None of the trees on site are City-designated Landmark trees. Of the 82 protected trees, 26 will be removed to facilitate the development of the site. The removal of protected trees is subject to requirements involving the planting of replacement trees or the payment of in-lieu fees to mitigate the removal of trees that cannot be replaced on-site due to land area constraints, in accordance with the mitigation requirements of the City's Tree Preservation Ordinance. The proposed project would include the planting of approximately 66 replacement trees on the project site, including street trees along Mission Boulevard and the new public street with tree species to be approved by the City's Landscape Architect.

Circulation and Parking: A new public street would be constructed on the project site, extending approximately 130 feet northeast from Mission Boulevard and continuing southeasterly approximately 100 feet and then northeasterly approximately 430 feet. The street would terminate in a central cul-de-sac within the development and in a stub at the northwestern corner of the project site (see Figure 4: Conceptual Site Plan). The stub street would allow for future neighborhood connectivity, should the adjacent property to the northwest be developed in the future. The new public street would vary in right-of-way width from approximately 39 feet at Mission Boulevard to approximately 56 feet at its widest point. The street would also include curb and gutter on both sides of the street, underground public utilities, sidewalk, and a landscaped strip (park strip) between the street and sidewalk. Each proposed new single-family house would include a three-car garage, in conformance with the City's parking requirements. Additional on-street parking would be created along the majority of the new public street.

FINDINGS FOR APPROVAL:

Pursuant to FMC Section 18.175.220, HARB may recommend that the Planning Commission and the City Council approve the project, including the alterations to the siting and setting of the Dias House, a potential register resource, subject to the findings contained in Exhibit "D" attached hereto.

ENVIRONMENTAL REVIEW:

An Initial Study was prepared for this project in accordance with CEQA (see Informational Item #1). The Initial Study determined that the project could have a potential significant impact on nests of protected birds through the removal of the existing trees and other vegetation, on burrowing owls from ground-disturbing activities that could destroy occupied burrows, on Townsend big-eared bats from demolition of on-site buildings that could destroy a maternity colony or overwintering colony, on American badgers from ground-disturbing activities that could destroy occupied dens, on air quality through the generation of dust during demolition and construction activities, on cultural resources through the accidental unearthing of unidentified archaeological or paleontological resources, through the release of or exposure to hazardous materials during construction, and on a historic resource by altering the existing setting of the Dias House. As such,

a Draft Mitigated Negative Declaration was prepared and circulated for public review for 30 days from October 3 through November 3, 2014 in accordance with the requirements of CEQA (see Exhibit "A"). The applicant has agreed to implement mitigation measures that would reduce the identified impacts to a less-than-significant level. In addition, mitigation for the removal of the existing trees is required by the City's Tree Preservation Ordinance pursuant to FMC Section 18.215.080. No comments on the draft environmental document were received prior to the publishing of this report.

PUBLIC NOTICE AND COMMENT:

Public hearing notification is applicable. A total of 32 notices were mailed to all owners and occupants of property located within 300 feet of the site. The notices were mailed on October, 23, 2014. A Public Hearing Notice was published by The Argus on October 25, 2014.

City staff encourages applicants to conduct outreach to residents by holding community meetings to present their projects prior to going forward to a public hearing. The applicant has presented the proposed project to the adjacent property owners on the project-side of Mission Boulevard and met individually with or offered to meet with each resident within a 300-foot radius of the project site.

ENCLOSURES:

Exhibits:

- Exhibit "A" [Mitigated Negative Declaration and Mitigation Monitoring Program](#)
- Exhibit "B" [Preliminary and Precise Planned Rezoning Exhibit](#)
- Exhibit "C" [Project Site Plan](#)
- Exhibit "D" [Findings and Conditions of Approval](#)

Informational Items:

- Informational 1 [Initial Study](#)
- Informational 2 [State of California Department of Parks and Recreation Primary Record \(DPR\) conducted by William Kostura, February 2013](#)
- Informational 3 [Historic Resource Evaluation \(HRE\) conducted by ARG, May 2014](#)
- Informational 4 [Secretary of the Interior's Standards Compliance Assessment conducted by ARG, May 2014\).](#)
- Informational 5 [Proposed House Designs](#)
- Informational 6 [Artist's Rendering – Mission Boulevard Perspective](#)

RECOMMENDATION:

1. Hold public hearing; and
2. Recommend approval of the project to the Planning Commission and the City Council pursuant to the findings and subject to conditions in Exhibit "D".
3. Recommend that the City Council adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan as shown in Exhibit "A", and find this action reflects the independent judgment of the City of Fremont.